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**REMARKS**

By this response, claims 33 and 34 have been amended. The Applicants respectfully submit that these amendments should be entered in response to the Final Office Action because they add language to claims 33 and 34 that has already previously existed in other independent claims and thus has already been considered by the Examiner and will not require a further search.

In view of the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated under the provisions of 35 U.S.C. § 102 or made obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

**I. REJECTION OF CLAIMS 1-5, 7-21, 23-29 AND 31-34 UNDER 35 U.S.C. § 102(b)**

The Examiner has rejected claims 1-5, 7-21, 23-29 and 31-34 in the Office Action as being anticipated by the Wilcox et al. patent application (European Patent Application No. EP 0 866 397, published on September 23, 1998, hereinafter Wilcox). In response, the Applicants have amended independent claims 33 and 34 in order to more clearly recite aspects of the invention. Independent claims 1, 7 and 25 are not amended.

Wilcox discloses a method of using an electronic notebook in which a screen of the electronic notebook accepts free-form handwritten notes from a user, and when enabled, the electronic notebook also records audio continuously. The note marks are stored in a structure (described by Wilcox as having 'digital ink') that includes a time stamp. Users may associate properties with individual note marks. Wilcox discloses that the audio is time stamped synchronously with the note marks. Additionally, the user may highlight portions of the recorded audio to indicate that only these portions are to be stored. Wilcox does not teach, show or suggest, however, accessing files that identify the note marks, audio or time stamps.

The Examiner's attention is directed to the fact that Wilcox fails to disclose or suggest the novel method of constructing a digital talking book wherein a first synchronization file is accessed that identifies a plurality of synchronizable elements of text data, and a second synchronization file is accessed that identifies a plurality of time

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points of audio data, as claimed in Applicants' independent claims 1, 17, 25, 33 and 34. Specifically, Applicants' claims 1, 17, 25, 33 and 34 (33 and 34 as amended) positively recite:

1. Method for constructing a digital talking book from text data and audio data, said method comprising the steps of:

(a) accessing a first synchronization file that identifies a plurality of synchronizable elements of the text data;

(b) accessing a second synchronization file that identifies a plurality of time points of the audio data, wherein said plurality of synchronizable elements of the text data are produced independently of said plurality of time points of the audio data; and

(c) building links between said identified synchronizable elements of the text data with said identified time points of the audio data. (Emphasis added)

17. A computer-readable medium having stored thereon a plurality of instructions, the plurality of instructions including instructions which, when executed by a processor, cause the processor to perform the steps comprising of:

(a) accessing a first synchronization file that identifies a plurality of synchronizable elements of the text data;

(b) accessing a second synchronization file that identifies a plurality of time points of the audio data, wherein said plurality of synchronizable elements of the text data are produced independently of said plurality of time points of the audio data; and

(c) building links between said identified synchronizable elements of the text data with said identified time points of the audio data. (Emphasis added)

25. Apparatus for constructing a digital talking book from text data and audio data, said apparatus comprising:

means for accessing a first synchronization file that identifies a plurality of synchronizable elements of the text data and for accessing a second synchronization file that identifies a plurality of time points of the audio data, wherein said plurality of synchronizable elements of the text data are produced independently of said plurality of time points of the audio data; and

means for building links between said identified synchronizable elements of the text data with said identified time points of the audio data. (Emphasis added)

33. A computer readable medium having stored thereon a data structure for assisting in the construction of a digital talking book from text data and audio data, including accessing a first synchronization file that identifies a plurality of synchronizable elements of said text data and accessing a second synchronization file that identifies a plurality of time points of said audio data, and wherein said plurality of synchronizable elements of the text data are produced independently of said plurality of time points of the audio data, said data structure comprising:

a project metadata field;

a project text data field; and

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a synchronizable element field. (Emphasis added)

34. A computer readable medium having stored thereon a data structure for assisting in the construction of a digital talking book from text data and audio data, including accessing a first synchronization file that identifies a plurality of synchronizable elements of said text data and accessing a second synchronization file that identifies a plurality of time points of said audio data, and wherein said plurality of synchronizable elements of the text data are produced independently of said plurality of time points of the audio data, said data structure comprising:

a data element field, wherein said data comprises at least one record element field, wherein said at least one record element field comprises:

- a identification field;
- a starttime field;
- an endtime field;
- and a type field. (Emphasis added)

Applicants' invention is directed to a method and apparatus for constructing a digital talking book from text data and audio data. To convert existing analog-recorded books into digital talking books, the method must align text data and audio data that are identified by files, i.e. a text file (the claimed first synchronization file), and an audio file (the claimed second synchronization files).

The present invention provides a method and apparatus for constructing a digital talking book from text data having a plurality of synchronizable elements and audio data having a plurality of time points. In one embodiment of the method, a first synchronization file is accessed that identifies the plurality of synchronizable elements of the text data and a second synchronization file is accessed that identifies the plurality of independently produced time points of the audio data. Links are built between the plurality of synchronizable elements of the text data and the plurality of independently produced time points of the audio data. By separately accessing the first and second synchronization files having the synchronizable elements and the time points, the method is beneficially applicable to utilizing the vast libraries of existing analog recorded books. For example, the method is applicable to accepting existing text and audio files, and constructing a digital talking book therefrom.

In contrast, Wilcox discloses a method of using an electronic notebook in which a user enters note marks on a screen of the notebook, audio is simultaneously recorded,

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and the note marks and audio are time stamped synchronously. Thus, the note marks and audio discussed in Wilcox are time stamped simultaneously at the time of they are entered and recorded, and are not identified by accessing first and second synchronization files. Therefore, Wilcox fails to anticipate or make obvious Applicants' invention.

Specifically, Wilcox discloses that the entered and recorded note marks and audio are time stamped synchronously. Wilcox discloses assigning a time stamp to a note mark which is entered by hand on a screen of an electronic notebook and audio which is recorded by a microphone of the electronic notebook, but fails to teach or make obvious the steps of accessing a first synchronization file that identifies a plurality of synchronizable elements of the text data and accessing a second synchronization file that identifies a plurality of time points of the audio data. Thus, the note marks and audio discussed in Wilcox are not identified by accessing synchronization files, instead they are simply assigned a time stamp as they are entered or recorded at the electronic notebook. By contrast, the present invention accesses first and second synchronization files, which enables the present invention to convert existing analog-recorded books into digital talking books and thus utilize the vast libraries of existing analog recorded books. The electronic notebook disclosed in Wilcox will not perform the functionality of the method and apparatus of the present invention. For example, the electronic notebook disclosed in Wilcox will not be able to utilize existing analog-recorded books. Instead, for the electronic notebook disclosed in Wilcox to produce the same end product as the method and apparatus of the present invention, a user would have to re-read the entire text into the electronic notebook, a labor intensive and impractical prospect, which is, in part, something the present invention seeks to avoid, as discussed in the Background section of the Specification of the present application. Therefore, the Applicants submit that independent claims 1, 17, 25, 33 and 34 (33 and 34 as amended) fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

Furthermore, the disclosure of Wilcox that the user may associate properties with note marks does not remedy the deficiencies of Wilcox already discussed above. Specifically, Wilcox discloses that "[p]roperties are set for digital ink by either selecting a

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property before making the note, or by selecting the desired note marks after writing and applying the desired property to the digital ink comprising the note marks.” Thus, Wilcox discloses that properties are directly associated with digital marks, not the audio. In contrast, the present invention teaches building links between said identified synchronizable elements of the text data with said identified time points of the audio data.

Dependent claims 2-5, 7-16, 18-21, 23-24, 26-29 and 31-32 depend from claims 1, 17 and 25, and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 2-5, 7-16, 18-21, 23-24, 26-29 and 31-32 are not anticipated by the disclosure of Wilcox. Therefore, the Applicants submit that dependent claims 2-5, 7-16, 18-21, 23-24, 26-29 and 31-32 also fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

## **II. REJECTION OF CLAIMS 6, 22 AND 30 UNDER 35 U.S.C. § 103(a)**

The Examiner rejected claims 6, 22 and 30 under 35 U.S.C. §103(a) as being unpatentable over Wilcox in view of the Lamming patent application (European Patent Application No. EP 0 495 612, published on July 22, 1992, hereinafter Lamming). The Applicants respectfully traverse this rejection.

Wilcox has been discussed above. Lamming discloses a note-taking system based on a notepad computer with an integrated audio/video-recorder. As the user types on the keyboard or writes with the stylus or similar input instrument, each character or stroke that is input by the user is invisibly time-stamped by the computer. The audio/video stream is also continuously time-stamped during recording. (see Abstract)

The Examiner’s attention is directed to the fact that Wilcox and Lamming, either singly or in any permissible combination, fail to disclose or suggest the novel method of constructing a digital talking book from text data and audio data, wherein a first synchronization file is accessed that identifies the plurality of synchronizable elements, and a second synchronization file is accessed that identifies the plurality of independently produced time points, as claimed in Applicants’ independent claims 1, 17

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and 25. Applicants' independent claims 1, 17 and 25 have been recited above.

As recited in the preceding claim, Applicants' invention teaches a method and apparatus for constructing a digital talking book in which a first synchronization file is accessed that identifies a plurality of synchronizable elements of the text data, a second synchronization file is accessed that identifies a plurality of time points of the audio data, wherein the plurality of synchronizable elements of the text data are produced independently of the plurality of time points of the audio data, and links are built between the plurality synchronizable elements and the plurality of independently produced time points.

In contrast, the combination of Wilcox and Lamming at most discloses synchronously time-stamping note marks and/or notes with audio/video as the note marks and/or notes and audio/video are input. The combination of Wilcox and Lamming does not disclose accessing synchronization files that identify synchronization elements and time points. Thus, Wilcox and Lamming, singularly and in combination, fail to anticipate or make obvious Applicants' invention.

Specifically, the combination of Wilcox and Lamming discloses an electronic notebook or system to which note marks and/or notes are entered simultaneously as audio and/or video is recorded. The note marks and/or notes, along with the audio and/or video, are synchronously time-stamped. Thus, the combination of Wilcox and Lamming does not access separate first and second synchronization files having synchronizable elements of text data and independently produced time points of audio data, in order that links may be built between the synchronizable elements of text data and independently produced time points of audio data. Instead, the combination of Wilcox and Lamming disclose that the note marks/notes and audio/video are entered or recorded at the electronic notebook or system and time-stamped as they are entered or recorded. Wilcox and Lamming, singularly and in combination, thus fail to teach or make obvious a method of constructing a digital talking book wherein a first synchronization file is accessed that identifies a plurality of synchronizable elements of the text data and a second synchronization file is accessed that identifies a plurality of time points of the audio data, as positively claimed by the Applicants in claims 1, 17 and

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25. Therefore, the Applicants submit that independent claims 1, 17 and 25 fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

Dependent claims 6, 22 and 30 depend, either directly or indirectly, from claims 1, 17 and 25 and recite additional features thereof. As such and for at least the same reasons set forth above, the Applicants submit that claims 6, 22 and 30 are also not made obvious by the teachings of Wilcox in view of Lamming. Therefore, the Applicants submit that dependent claims 6, 22 and 30 also fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

#### **IV. CONCLUSION**

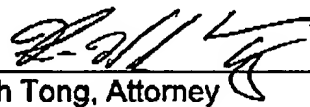
Thus, the Applicants submit that all of the presented claims now fully satisfy the requirements of 35 U.S.C. §102 and §103. Consequently, the Applicants believe that all of these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the present final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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